

REMARKS

Claims 35-38 and 40-69 are now pending in the application. By this paper, Claims 38, 40, 44, 55, 57, 63, and 64 have been amended, Claim 39 has been cancelled without prejudice or disclaimer of the subject matter contained therein, and Claims 68 and 69 have been added. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

REJECTION UNDER 35 U.S.C. § 112

Claims 38-41, 44, 55, and 63-64 stand rejected under 35 U.S.C. § 112, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

At the outset, Applicants respectfully submit this rejection is moot with respect to Claim 39, as Claim 39 has been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants have amended Claims 38 and 55 to define the "pressure sensor" as an additional sensor to the "first sensor" recited in independent Claims 35 and 51, respectively. In addition, Applicants have cancelled Claim 39 and have amended Claims 40, 41, 63, and 64 as required by the Examiner. Claim 44 has been amended to correct a typographical error.

In light of the foregoing, Applicants respectfully submit that Claims 38, 40-41, 44, 55, and 63-64 are in condition for allowance. Accordingly, consideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 35, 37, 42-43, 48 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383).

Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) as applied to Claim 35 above, and further in view of Alsenz (U.S. Pat. No. 5,035,119).

Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) as applied to Claim 35 above, and further in view of Takizawa et al. (U.S. Pat. No. 4,962,648). This rejection is respectfully traversed.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) as applied to Claim 35 above, and further in view of Tanaka (U.S. Pat. No. 4,634,046).

Claims 36 and 38-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al.

(U.S. Pat. No. 4,494,383) as applied to Claim 35 above, and further in view of Bendtsen (U.S. Pat. No. 5,396,780).

Claims 51-53, 56-57, 59, 61-62, and 65-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) as applied to Claim 35 above, and further in view of Schaeffer et al. (U.S. Pat. No. 5,440,894).

Claims 54, 55, 60, 63-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) and Schaeffer et al. U.S. Pat. No. 5,440,894) as applied to Claim 51 above, and further in view of Bendtsen (U.S. Pat. No. 5,396,780) as applied to Claim 39 above.

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) and Schaeffer et al. U.S. Pat. No. 5,440,894) as applied to Claim 51 above, and further in view of Tanaka (U.S. Pat. No. 4,634,046) as applied to Claim 44 above.

These rejections are respectfully traversed.

Applicants respectfully submit that the combination of prior art references does not teach or suggest all of the claimed limitations, and therefore submit that the Examiner has failed to make a prima facie case of obviousness.

None of the references teach or suggest applying a variable duty cycle control signal to *both* a compressor and a valve; thus, the references cannot and do not teach applying the *same* variable duty cycle control signal to both a compressor and a valve.

The combination of Yoshikawa and Nagatomo fail to teach or suggest supplying a variable duty cycle control signal to both a compressor and a valve, much less supplying the same variable duty control signal to both a compressor and a valve. As noted in the Response filed September 26, 2005, Yoshikawa simply teaches a control condition selector (49) that includes a judging table for selectively changing operational conditions of a variable speed compressor (2), a blower (6), and an expansion valve (4). See Yoshikawa at Col. 9, ln. 68, Col. 10, lns. 1-8, and Table 1. Yoshikawa notes that individual control signals (X, Y, and Z) are used to respectively control a compressor, a blower, and a valve. See Yoshikawa at Col. 10, lns. 5-8. In this manner, Yoshikawa discloses *multiple* control signals for use in controlling a compressor, a blower, and a valve. Simply applying the pulse-width modulated control signal disclosed in Nagatomo to the disclosure of Yoshikawa would result in different pulse-width modulated signals supplied to the compressor, blower, and valve. Accordingly, Applicants' claims are not taught or suggested by the prior art and reconsideration and withdrawal of the rejection of Claims 35-38, 40-50, and 51-64 is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 45 and 46 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not amended the independent claims to include the elements of Claims 45 and 46, as independent Claims 35 and 51 are believed to be in condition for allowance in light of the remarks contained above.


CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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